

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LERIN PIERCE,

Plaintiff,

- v. -

P.O. SONIA BELARDO,

Defendant.
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**JOINT PROPOSED
VERDICT FORM**

16-CV-5703-RJD

The parties submit the following proposed verdict sheet to be presented to the jury.

Plaintiff's proposed questions begin on page 1.

Defendant's proposed language begins on page 3.

Plaintiff's Proposed Questions:

QUESTION 1:

Has plaintiff proven by a preponderance of the evidence that Police Officer Belardo used excessive force in attempting to arrest Lerin Pierce?

YES _____

NO _____

If your answer is yes, proceed to question 2.

If the answer is no, then the foreperson should sign the verdict form and notify the marshal that a verdict has been reached.

QUESTION 2.

(a) Has the plaintiff proved by a preponderance of the evidence that he has suffered physical injury?

If yes, please enter a dollar amount of damages that you believe will fairly compensate him for his physical damages _____

Whatever your answer, proceed to question 3.

(b) Has plaintiff proved that he has suffered emotional injuries as the court has described

in the instructions?

If yes, please enter a dollar amount of damages that you believe will fairly compensate Mr. Pierce for his emotional damages _____

Whatever your answer, proceed to question 3.

3. Is plaintiff entitled only to nominal damages?

(a) This question is pertinent only if you have NOT compensated Mr. Pierce for damages under either or both of Questions 2(a) or 2(b). If you have awarded any damages under question 2, then answer "NO" in this space and proceed to question 4.

(b) If you have NOT compensated Mr. Pierce with any amount of damages under questions 2(a) or 2(b), then enter \$1

Proceed to question 4.

4. Are punitive damages appropriate for the reasons explained in the instructions?

Please place an "X" in the appropriate space.

YES _____

NO _____

If the answer is "NO," sign the verdict form and notify the Marshall that a verdict has been reached.

If the answer is "YES" then proceed to Question 5.

5. What amount of punitive damages do you find are appropriate in this case.

If you answer question 6, then you have reached a verdict. The foreperson should sign and notify the Marshal that a verdict has been reached.

Defendant's Proposed Questions:¹

Question 1:

Has Plaintiff Lerin Pierce proven by a preponderance of the credible evidence that Sonia Belardo used excessive force against him on September 1, 2014?

Yes _____ No _____

IF YOU HAVE ANSWERED "NO" TO QUESTION #1, STOP.

YOU HAVE COMPLETED YOUR DELIBERATION; THE VERDICT SHOULD BE SIGNED AND DATED BY THE FOREPERSON AND GIVEN TO THE MARSHAL.

IF YOU HAVE ANSWERED "YES" TO QUESTION #1, PROCEED TO QUESTION #2.
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Question 2:

- (a) Did Plaintiff prove by a preponderance of the credible evidence that he suffered actual compensatory damages as a result of being subjected to excessive force by Sonia Belardo?

YES _____ NO _____

- (b) If YES, state the dollar amount of any actual compensatory damages that Plaintiff has proven by a preponderance of the credible evidence that he is entitled to receive for his excessive force claim.

\$ _____

- (C) If you find that Sonia Belardo subjected Plaintiff to excessive force, but find that Plaintiff has not proven that he sustained any actual compensatory damages as a result of the violation, what amount of nominal damages, not to exceed one dollar, do you award Plaintiff?

\$ _____

¹ Defendants reserve their request to revise the Verdict Sheet as needed based upon the rulings of the Court at trial.

² Plaintiff contends that all caps is coercive and treats the jury as if they cannot read.

PROCEED TO QUESTION 3.

Question 3:

Did Plaintiff prove by a preponderance of the credible evidence that he should be awarded any punitive damages on his claim?

YES _____

NO _____

If “NO” you have completed your deliberation; the verdict should be signed/dated by the foreperson and given to the Marshal.

If “YES,” state the dollar amount of punitive damages that Plaintiff has proven by a preponderance of the credible evidence that he is entitled to receive for his excessive force claim against Sonia Belardo:

\$ _____

YOU HAVE REACHED A VERDICT. THE FOREPERSON SHOULD DATE AND SIGN THE VERDICT FORM, PLACE IT IN A SEALED ENVELOPE MARKED “VERDICT” AND HAND IT TO THE DEPUTY CLERK.

Your foreperson must now sign and date the verdict sheet.

Signature of foreperson

Dated: May 3, 2019

Respectfully submitted,

/s/ Gregory Antollino

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/s/ Daniela Nanau

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By: _____
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